IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 22855 of 2004

Between:

Datrika Vidyasagar,

S/o Gangaram,
RMSZ. Division, Postal Department,

Nizamabad, Nizamabad District

..... PETITIONER

AND

1. The District Collector,

   Karimnagar Karimnagar District

2 The Director of Tribal Welfare,

   Andhra Pradesh, Hyderabad

3 The Government of A.P.,

   Rep by Secretary, Revenue Department,

Secretariat, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the impugned proc. Rc.No. C4/1359/1994 dt.11-11-2004 issued by the 1st respondent as illegal, null and void and the same is violative of principles of natural justice, by holding the action of the respondents in canceling petitioner's caste certificate dt.5-7-1978 after lapse of 25 years is as illegal, bad, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of

India and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.CH.JAGANNADHA RAO

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court at the admission stage, made the following:

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION NO:22855 of 2004

ORDER:

Challenging the proceedings in Rc.No.C4/1359/1994, dated 11-11-2004, issued by the 1st respondent, the present writ petition has been filed.

2. The learned counsel appearing for the petitioner contended that the reports of the Revenue Divisional Officer, Director of Tribal Welfare and Additional Director General of Police, C.I.D., Hyderabad, have not been furnished to the petitioner and therefore, the 1st respondent violated the principles of natural justice and the petitioner has no opportunity to challenge those two documents, hence, the impugned order suffers from legal infirmities.

3. On the other hand, the learned Government Pleader for Social Welfare contended that an alternative remedy of availing statutory appeal is available to the petitioner and therefore, the writ petition is devoid of merit.

4. No doubt, the alternative remedy is not a bar for exercising the jurisdiction of this Court and admittedly, under Section 7 of A.P. (SCs, STs and BCs) Regulation of Issue of Community Certificates Act, 1993, an appeal is provided before the Government. Further, there is also a provision to seek interim direction. But, at the same time, when the jurisdictional order of the 1st respondent is not under challenge, I consider it appropriate to give a direction to the petitioner to file an appeal before the competent authority.

5. Accordingly, the writ petition is disposed of, directing the petitioner to avail the alternative remedy by filing an appeal before the competent authority for appropriate relief. No costs.

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December 10, 2004

KVR

TO

1. The District Collector,

Karimnagar Karimnagar District

2 The Director of Tribal Welfare,

Andhra Pradesh, Hyderabad

3 The Government of A.P.,

Rep by Secretary,

Revenue Department,

Secretariat, Hyderabad

4. Two C.Cs. to G.P. for Social Welfare,

High Court Buildings,

High Court of A.P., Hyderabad. (OUT)

5 Two C.D. Copies.